

REMARKS

Reconsideration of this application is hereby respectfully requested.

A Petition For Extension of Time under 37 CFR 1.136(a) for an extension of time of two (2) months in the shortened statutory period set for response to the Office Action dated May 3, 2005 in the above-identified application thereby extending said period for response from August 3, 2005 to October 3, 2005 is being filed concurrently with the filing of this Amendment, whereby this Amendment will be deemed to have been timely filed.

By this Amendment, original Claims 1-4, 7-9 and 11-14 are all being cancelled. Original Claim 4 has been cancelled and has been rewritten, including all of the limitations of the base claim and any intervening claim(s), in independent form as new Claim 15. Original Claim 5 has been amended to change its dependency from now cancelled original Claim 4 to new Claim 15. Original Claim 6 has not been amended and continues to trace its dependency to now amended, original Claim 5. Original Claim 8 has been cancelled and has been rewritten, including all of the limitations of the base claim and any intervening claim(s), in independent form as new Claim 16. Original Claim 9 has been cancelled and has been rewritten, including all of the limitations of the base claim and any intervening claim(s), in independent form as new Claim 17. Original Claim 10 has been amended to change its dependency from now cancelled original Claim 9 to new Claim 17. Original Claim 11 has been cancelled and has been rewritten, including all of the limitations of the base claim and any intervening claim(s), in independent form as new Claim 18. As such, original Claims 5, 6 and 10, and new Claims 15 to 19, inclusive, are the only claims presently remaining under consideration in this application.

In the Office Action of May 3, 2005, Claims 1-2, 12 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Forncrook; Claims 1-2, 12 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Govers; Claims 1, 7, 12 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Watson; and Claims 1-3, 7, 12 and 14 have been rejected under 35 U.S.C. 102(b) as being anticipated by Mangus. Applicants respectfully submit

that the rejection of Claims 1-3, 7, 12 and 14, which are the only claims that have been rejected in the Office Action of May 3, 2005, has been rendered moot by the cancellation by means of this Amendment of all of these claims, i.e., Claims 1-3, 7, 12 and 14, in this application.

In the Office Action of May 3, 2005, Claims 4-6, 8-11 and 13 have been objected to as being dependent upon a base claim, but it has been indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. To this end, dependent Claim 4 has been cancelled and has been rewritten in independent form as new Claim 15. Dependent Claims 5 and 6 now each traces its dependency to new independent Claim 15. Dependent Claim 8 has now been cancelled and has been rewritten in independent form as new Claim 16. Dependent Claim 9 has been cancelled and has been rewritten in independent form as new Claim 17. Dependent Claim 10 now traces its dependency to new independent Claim 17. Dependent Claim 11 has now been cancelled and has been rewritten in independent form as new Claim 18. Dependent Claim 13 has been cancelled and has been rewritten in independent form as new Claim 19. Applicants, therefore, respectfully submit that original Claims 5, 6 and 10, and new independent Claims 15 to 19, inclusive, which are the only claims that remain under consideration in this application, are all directed to subject matter, which has been indicated to be allowable in the Office Action of May 3, 2005.

With respect to the references, other than the Forncrook, Govers, Watson and Mangus references, which have been specifically referred to hereinabove, Applicants respectfully submit that none of the other references, which have been made of record in this application, either teaches or even suggests, either when considered individually or when taken collectively, their invention as presently defined in Claims 5, 6, 10 and 15-19, the only claims remaining under consideration in this application.

In view of the above amendments and remarks, it is respectfully submitted that new independent Claims 15 to 19, inclusive, and original dependent Claims 5, 6 and 10, the only claim presently remaining under consideration in the instant application, are clearly allowable over the references to Forncrook, Govers,

Watson and Mangus that have been cited in the instant application by the examiner as well as over the references that have been made of record in the instant application by the Examiner, and that this case is clearly in condition for allowance, and such action is accordingly respectfully requested.

Respectfully submitted,

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“EXPRESS MAIL” mailing label number EV 290490433 US
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on the date indicated above and is addressed to the Commissioner for
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Janey Bruno
(Typed or Printed Name of Person Mailing Paper)
Janey Bruno
(Signature)



PATENT

Date: September 28, 2005

Docket No.: W01/022-0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **John H. Angel et al.** Art Unit: **3753**
Serial No.: **10/616,527** Examiner: **Leonard R. Leo**
Filed: **July 10, 2003**
For: **TUBESHEET SUPPORT ARRANGEMENT FOR A FGTT (FLUE-GAS-THROUGH-THE TUBES) HEAT EXCHANGER**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment and Extension of time in the above-identified application. The fee has been calculated as shown below.

Claims as Amended

| | Claims Remaining After Amendment | Highest Number Previously Paid For | Present Extra | Rate | Amount |
|--|---|---|--------------------------|-------------|--|
| Total Claims | <u>8</u> | Minus <u>20</u> | = <u>0</u> | X \$ 50. = | <u>000.00</u> |
| Independent Claims | <u>5</u> | Minus <u>3</u> | = <u>2</u> | X \$200. = | <u>400.00</u> |
| Multiple Dependent Claims (charge per application) | | | | \$360. = | <u>000.00</u> |
| | | | | | Total Additional Fee For This Amendment and Extension of Time |
| | | | | | <u>850.00</u> |

 No additional fee is required.

X Charge \$ 850.00 to Deposit Account No. 03-2578
This sheet is being submitted in triplicate.

X Please charge any additional fees or credit overpayment to Deposit Account No. 03-2578.

Respectfully submitted,

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Date of Deposit October 3, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janey Bruno
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(Signature)